

-PS-O-

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

SHAWN GREEN, 97A0801,

Plaintiff,

-v-

09-CV-6392CJS

**ORDER**

DONALD SELSKY, former Director,  
Special Housing/Inmate Disciplinary  
Program; JAMES CONWAY, Superintendent  
Attica Correctional Facility;  
Captain DEANGELO; A.C. POLAK, Lieutenant;  
J. ALGIER, Correction Counselor;  
P. SIGONA and R. SMITH, Sergeant,

Defendants.

---

Plaintiff's complaint was dismissed by Order signed on November 25, 2009 and entered December 1, 2009 (Docket # 8). Plaintiff thereafter, by letter dated December 11, 2009, informed the Court that it had received the Judgement dismissing the case, but not the Order explaining the basis for the dismissal. The docket noted on January 6, 2010 that plaintiff had not received the Order, and the order was resent to plaintiff. By letter dated January 15, 2010, plaintiff filed a notice of appeal (Docket No. 10).

The Court hereby construes the plaintiff's letters of December 11, 2009 and January 15, 2010 (Docket No. 10) as requests to file a late notice of appeal. The request to file a late notice of appeal is granted. Permission to proceed in forma pauperis was

denied on appeal. Request to proceed in forma pauperis on appeal must be directed on motion to the United State Court of Appeals for the Second Circuit.

**SO ORDERED.**

\_\_\_\_\_  
S/ MICHAEL A. TELESKA  
MICHAEL A. TELESKA  
United States District Judge

Dated: April 1, 2011  
Rochester, New York